Remarks/Arguments:

I. Introduction

Upon entry of the present amendment, claims 1-8, 10, 13-18, 25-27, 29-38 and new claim 39 will be pending in this application. Independent claims 1, 13, 25, and 27 have been amended to clarify that the insertion member fits in the opening and contacts the frustoconical taper section when locked relative to the frustoconical taper. Support for these amendments appears in the specification at pages 15 and 24 and Figures 4-8.

Based on the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

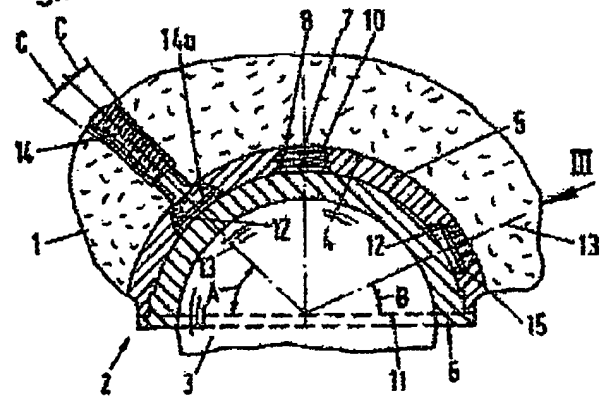
II. 35 U.S.C. § 102

The Examiner has maintained his rejection of all pending claims under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,645,606 to Oehy. The Examiner states that Oehy et al. disclose an acetabular shell or cup 5 having openings with an extended nonthreaded frustoconical taper section 25 and a rounded section with a concave surface 25a beginning at a narrow end of the frustoconical section, with each opening 12 capable of receiving any type of fastening element 14 with spherical undersurfaces (16a, 14a) seatable in a plurality of angular positions (Figs. 1-2, col. 2, lines 45-67, col. 3 and col. 4, lines 1-6). Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

The Oehy reference does not show or describe an insertion member with a rounded, nonfrustoconical contact surface that contacts the frustoconical taper of the opening when locked relative to the frustoconical taper

In response to Applicants' previous arguments against the application of the Oehy reference to the pending claims, the Examiner stated in the advisory action that the claims did not recite that insertion member contacts the frustoconical taper section when the insertion member is *locked relative to* the frustoconical taper section. (The Examiner's position is that the Oehy insertion member would necessarily contact the frustoconical taper section of opening as it is *inserted* into opening, implying correctly that is it not locked relative to that section when in a locked position, but instead sits flush with the rounded section as shown below.)

Fig.1



Applicants have amended the claims to clarify that the claimed insertion member "contacts the frustoconical taper section when locked relative to the frustonical taper." This

feature is not shown or described by the Oehy reference and thus, the reference does not anticipate the pending claims.

New claim 39.

This new claim is similar to claim 1, expect that it replaces the phrase "substantially fluid tight relationship" with "mechanically locked relationship." Support for the amendment appears in the specification at page 24, where it is indicated that when the insertion member is locked, it provides at least a partial seal. Accordingly, this claim focuses on the fact that the seal need not necessarily be "fluid tight."

CONCLUSION

For at least the above reasons, Applicant respectfully requests allowance of all pending claims and issuance of a patent containing these claims in due course. If there remain any additional issues to be addressed, the Examiner is invited to contact the undersigned attorney at 404.815.6147.

Respectfully submitted,

Kristin Crall

Kristin M. Crall
Reg. No: 46,895

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia, 30309-4530
404.815.6147

9300970.1